

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENCORE BANK, N.A.	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 4:11-CV-03552
	§	
BANK OF AMERICA, N.A.,	§	
BAC HOME LOAN SERVICING, LP, and	§	
COUNTRYWIDE HOME LOANS, INC.	§	
	§	
Defendants.	§	
	§	

JOINT STATUS REPORT REGARDING SETTLEMENT

TO THE HONORABLE MELINDA HARMON, UNITED STATES DISTRICT JUDGE:

In accordance with the Court’s Order entered March 6, 2013 (Docket No. 50), Plaintiff Cadence Bank, N.A. f/k/a Encore Bank, N.A., and Defendants Bank of America, N.A., BAC Home Loan Servicing, LP and Countrywide Home Loans, Inc. (collectively, the “Defendants” and together with Plaintiff, collectively, the “Parties”) file this Status Report.

1. The Parties have made additional progress, including signing a Servicing Transfer Agreement, Settlement, and Mutual Release, and have largely effectuated the servicing transfer of nearly 300 mortgage loans. However, there are required instruments of further assurance, including assignment documentation, that has not been fully executed and delivered to Cadence.
2. The Parties request that, instead of entering an order of dismissal, the Court continue to stay the action pending completion of certain remaining settlement obligations, and set a date for the Parties to file, at their election, either a joint motion for dismissal, or a further status report, on or before November 1, 2013.

3. The Parties expect to be in a position to dismiss this action on November 1, 2013. Continuing the stay of the case will facilitate consummating the settlement.

Dated October 1, 2013

Respectfully submitted,

/s/ Mark S. Finkelstein

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/s/ Walter Herring

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ATTORNEY-IN-CHARGE FOR DEFENDANTS
BANK OF AMERICA, N.A., for itself and as
successor by merger to BAC HOME LOAN
SERVICING, LP, and COUNTRYWIDE HOME
LOANS, INC.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Mark S. Finkelstein, certify that on October 1, 2013, a true copy of this Status Report was filed and served via the ECF filing system of the United States District Court for the Southern District of Texas upon the following attorneys for Defendants Bank of America, N.A., BAC Home Loan Servicing, LP and Countrywide Home Loans, Inc. in the referenced civil action:

Raymond A. Chenault McGlinchey Stafford 1001 McKinney Street, Ste. 1500 Houston, Texas 77002	Walter A. Herring Bryan Cave LLP 2200 Ross Ave., Ste 3300 Dallas, Texas 75201
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/s/ *Mark S. Finkelstein*
Mark S. Finkelstein